

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

THE LOUIS D. BRANDEIS CENTER
FOR HUMAN RIGHTS UNDER LAW and
JEWISH AMERICANS FOR FAIRNESS
IN EDUCATION

Plaintiffs,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE,

Defendant.

Case No. 1:24-cv-11354-RGS

DEFENDANT’S ANSWER TO PLAINTIFFS’ COMPLAINT

Conduct that targets Harvard’s Jewish students, faculty, or staff for discrimination or harassment is not just unacceptable but antithetical to Harvard’s foundational values. Protecting our students and ensuring that they can pursue their intellectual and personal interests free from harassment and discrimination, whether rooted in antisemitism or any other prejudice, has been and will continue to be of the utmost importance to Harvard. Accordingly, Harvard has taken, and continues to take, concrete steps to protect its students, to manage protests and minimize their disruption, and to address and prevent harassment, as the evidence adduced in this case will demonstrate and as has been detailed in multiple public statements. Some examples of these steps include providing antisemitism training to personnel who serve as points of contact for, and who adjudicate complaints under, Harvard’s Non-Discrimination and Anti-Bullying Policies; clarifying policies for the Harvard community related to campus protests and gatherings; and providing additional opportunities and avenues for reporting and accessing disciplinary processes to address policy violations. And Harvard will continue to take steps to prevent and address

harassment and discrimination of any kind, including antisemitism. In answering Plaintiffs' allegations, Harvard in no way intends to diminish the seriousness of claims of antisemitism or to detract from the ongoing work Harvard is undertaking to address concerns about harassment or discrimination at Harvard. But simply put, Harvard has not been, nor will it ever be, deliberately indifferent to these claims and concerns.

Except as hereinafter expressly admitted, Harvard denies each and every allegation, statement, and matter contained in the Complaint and, in particular, denies that it has engaged in intentional discrimination in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.* Many of the allegations in the Complaint impress the Plaintiffs' own characterizations of documents, emails, messages, statements, public testimony, and other sources that speak for themselves, and Harvard denies them on that basis. Other allegations concern events or alleged events about which Harvard lacks firsthand knowledge sufficient to enable Harvard to form a belief about their truth, often because those events did not involve Harvard, were not made known to Harvard, or were not reported to Harvard in the level of detail alleged, and Harvard therefore denies them on that basis. Still other allegations comprise non-factual characterizations and arguments rather than factual assertions. Even though the Federal Rules of Civil Procedure do not require an answer to such characterizations and arguments, Harvard denies them as well.

Harvard responds to the numbered allegations in the Complaint as follows:

ANSWER TO NO. 1: Harvard admits that it strives to ensure all students experience a safe and non-discriminatory learning environment, but denies that that aspiration is a legally enforceable promise or other obligation. To the extent the allegations in the second and third sentences of Paragraph 1 purport to quote or characterize statements or documents, those statements and

documents speak for themselves, and thus no response is required. Harvard denies the remaining allegations in Paragraph 1.

ANSWER TO NO. 2: Denied.

ANSWER TO NO. 3: Harvard admits that beginning in March 2023 it conducted an independent investigation in response to a complaint about a faculty member in the Kennedy School of Government and took appropriate action. Paragraph 3 contains legal conclusions and non-factual characterizations to which no response is required. To the extent the allegations in Paragraph 3 purport to quote or characterize statements or documents, those statements and documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 3.

ANSWER TO NO. 4: Harvard admits that beginning in March 2023 it conducted an independent investigation in response to a complaint about a faculty member in the Kennedy School of Government and took appropriate action. Paragraph 4 contains legal conclusions and non-factual characterizations to which no response is required. To the extent the allegations in Paragraph 4 purport to quote or characterize statements or documents, those statements and documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 4.

ANSWER TO NO. 5: Harvard admits that beginning in March 2023 it conducted an independent investigation in response to a complaint about a faculty member in the Kennedy School of Government and took appropriate action. Paragraph 5 contains legal conclusions and non-factual characterizations to which no response is required. To the extent the allegations in Paragraph 5 purport to quote or characterize statements or documents, those statements and

documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 5.

ANSWER TO NO. 6: Harvard admits that Hamas launched a terrorist attack on Israel on October 7, 2023, and condemns it unequivocally.

ANSWER TO NO. 7: Harvard acknowledges and condemns the antisemitism that has affected communities around the world, including Harvard, in the wake of the October 7, 2023, Hamas terrorist attack on Israel. Paragraph 7 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 7.

ANSWER TO NO. 8: Harvard denies the characterization of Harvard's actions in Paragraph 8. To the extent the allegations in Paragraph 8 purport to quote or characterize statements or documents, those statements and documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 8.

ANSWER TO NO. 9: Denied.

ANSWER TO NO. 10: Harvard admits that on October 18, 2023, a demonstration took place at various locations on or around Harvard's campus, and that investigations relating to that event remain ongoing. Harvard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 10, and on that basis denies them.

ANSWER TO NO. 11: The first sentence of Paragraph 11 contains non-factual characterizations and legal conclusions to which no response is required. Harvard denies the remaining allegations in Paragraph 11.

ANSWER TO NO. 12: Paragraph 12 contains non-factual characterizations and legal conclusions to which no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 12.

ANSWER TO NO. 13: Paragraph 13 contains non-factual characterizations to which no response is required. To the extent the allegations in Paragraph 13 purport to quote or characterize statements or documents, those statements and documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard denies the allegations in the first and second sentence of Paragraph 13 and admits the allegations in the third sentence of Paragraph 13.

ANSWER TO NO. 14: Harvard admits that it receives federal funding. The remaining allegations in Paragraph 14 state a legal conclusion, and thus no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 14.

ANSWER TO NO. 15: Paragraph 15 states a legal conclusion to which no response is required.

ANSWER TO NO. 16: Admitted.

ANSWER TO NO. 17: Paragraph 17 states a legal conclusion to which no response is required.

ANSWER TO NO. 18: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18, and on that basis denies them.

ANSWER TO NO. 19: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19, and on that basis denies them.

ANSWER TO NO. 20: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20, and on that basis denies them.

ANSWER TO NO. 21: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21, and on that basis denies them.

ANSWER TO NO. 22: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22, and on that basis denies them.

ANSWER TO NO. 23: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23, and on that basis denies them.

ANSWER TO NO. 24: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24, and on that basis denies them.

ANSWER TO NO. 25: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25, and on that basis denies them.

ANSWER TO NO. 26: Harvard admits that President and Fellows of Harvard College is the legal name of Harvard University, and otherwise denies the allegations in Paragraph 26.

ANSWER TO NO. 27: Admitted.

ANSWER TO NO. 28: Harvard admits that HKS is operated by Harvard University. Harvard admits that, for the 2023-2024 academic year, the tuition at HKS was \$57,660 per year and denies the remaining allegations in Paragraph 28.

ANSWER TO NO. 29: Harvard admits that HBS is operated by Harvard University. Harvard admits that, for the 2023-2024 academic year, the tuition for a Master's in Business Administration student at HBS was \$74,910 per year, and denies the remaining allegations in paragraph 29.

ANSWER TO NO. 30: Admitted.

ANSWER TO NO. 31: Admitted.

ANSWER TO NO. 32: Paragraph 32 purports to quote or characterize statements or documents that speak for themselves, and thus no response is required. To the extent a response is required, denied.

ANSWER TO NO. 33: To the extent the allegations in Paragraph 33 purport to quote or characterize statements or documents, those statements and documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33, and on that basis denies them.

ANSWER TO NO. 34: Paragraph 34 contains non-factual characterizations and legal conclusions to which no response is required. To the extent a response is required, Harvard denies the first and second sentence of Paragraph 34. The third sentence of Paragraph 34 purports to quote or characterize statements or documents that speak for themselves, and thus no response is required.

ANSWER TO NO. 35: Paragraph 35 contains non-factual characterizations and legal conclusions to which no response is required. To the extent the allegations in Paragraph 35

purport to quote or characterize statements or documents, those statements and documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 35.

ANSWER TO NO. 36: Paragraph 36 contains non-factual characterizations and legal conclusions to which no response is required. To the extent a response is required, Harvard denies the allegations in the first and third sentences of Paragraph 36. Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of Paragraph 36, and on that basis denies them.

ANSWER TO NO. 37: Harvard admits that HKS offered a two-week practicum called “Organizing: People, Power, Change,” taught by Professor Marshall Ganz, that met in late February and early March 2023. Harvard denies the remaining allegations in Paragraph 37.

ANSWER TO NO. 38: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38, and on that basis denies them.

ANSWER TO NO. 39: To the extent the allegations in Paragraph 39 purports to quote from or characterize a document attached as Exhibit A to the Complaint, that document speaks for itself, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39, and on that basis denies them.

ANSWER TO NO. 40: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40, and on that basis denies them.

ANSWER TO NO. 41: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41, and on that basis denies them.

ANSWER TO NO. 42: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42, and on that basis denies them.

ANSWER TO NO. 43: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43, and on that basis denies them.

ANSWER TO NO. 44: To the extent Paragraph 44 purports to quote from or characterize a document attached as Exhibit A to the Complaint, that document speaks for itself, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44, and on that basis denies them.

ANSWER TO NO. 45: To the extent Paragraph 45 purports to quote from or characterize a document attached as Exhibit A to the Complaint, that document speaks for itself, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45, and on that basis denies them.

ANSWER TO NO. 46: To the extent Paragraph 46 purports to quote from or characterize a document attached as Exhibit A to the Complaint, that document speaks for itself, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46, and on that basis denies them.

ANSWER TO NO. 47: To the extent Paragraph 47 purports to quote from or characterize documents attached as Exhibit A and A-1 to the Complaint, those documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47, and on that basis denies them.

ANSWER TO NO. 48: To the extent Paragraph 48 purports to quote from or characterize documents attached as Exhibits A and A-1 to the Complaint, those documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48, and on that basis denies them.

ANSWER TO NO. 49: To the extent Paragraph 49 purports to quote from or characterize documents attached as Exhibits A and A-1 to the Complaint, those documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49, and on that basis denies them.

ANSWER TO NO. 50: To the extent Paragraph 50 purports to quote from or characterize a document attached as Exhibit A to the Complaint, that document speaks for itself, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50, and on that basis denies them.

ANSWER TO NO. 51: To the extent Paragraph 51 purports to quote from or characterize a document attached as Exhibit A to the Complaint, that document speaks for itself, and thus no

response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51, and on that basis denies them.

ANSWER TO NO. 52: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52, and on that basis denies them.

ANSWER TO NO. 53: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53, and on that basis denies them.

ANSWER TO NO. 54: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54, and on that basis denies them.

ANSWER TO NO. 55: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55, and on that basis denies them.

ANSWER TO NO. 56: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56, and on that basis denies them.

ANSWER TO NO. 57: To the extent Paragraph 57 purports to quote from or characterize a document attached as Exhibit A to the Complaint, that document speaks for itself, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57, and on that basis denies them.

ANSWER TO NO. 58: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58, and on that basis denies them.

ANSWER TO NO. 59: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59, and on that basis denies them.

ANSWER TO NO. 60: Harvard denies the allegations in the first sentence of Paragraph 60. Harvard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 60, and on that basis denies them.

ANSWER TO NO. 61: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61, and on that basis denies them.

ANSWER TO NO. 62: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62, and on that basis denies them.

ANSWER TO NO. 63: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63, and on that basis denies them.

ANSWER TO NO. 64: Harvard denies the allegations in the first sentence of Paragraph 64. Harvard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 64, and on that basis denies them.

ANSWER TO NO. 65: To the extent the allegations in Paragraph 65 purport to quote or characterize the document attached as Exhibit C to the Complaint, that document speaks for itself, and thus no response is required. The allegations in the second sentence of Paragraph 65 state legal conclusions, and thus no response is required. To the extent a response is required, Harvard admits the allegations in the first sentence of Paragraph 65 and denies the remaining allegations in Paragraph 65.

ANSWER TO NO. 66: Harvard admits the allegations in the first and second sentences of Paragraph 66. To the extent the remaining allegations Paragraph 66 purport to quote or characterize the documents attached as Exhibits A & D to the Complaint, those documents speak for themselves, and thus no response is required.

ANSWER TO NO. 67: Paragraph 67 purports to quote from or characterize the document attached as Exhibit A to the Complaint, which speaks for itself, and thus no response is required. Paragraph 67 also states a legal conclusion to which no response is required. To the extent a response is required, Harvard denies the allegations in Paragraph 67.

ANSWER TO NO. 68: Paragraph 68 purports to quote from or characterize the document attached as Exhibit A to the Complaint, which speaks for itself, and thus no response is required. To the extent a response is required, Harvard denies the allegations in Paragraph 68.

ANSWER TO NO. 69: Paragraph 69 purports to quote from or characterize the document attached as Exhibit A to the Complaint, which speaks for itself, and thus no response is required. To the extent the allegations in Paragraph 69 purport to quote or characterize other statements or documents, those statements or documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard denies the allegations in Paragraph 69.

ANSWER TO NO. 70: Paragraph 70 purports to quote from or characterize the document attached as Exhibit A to the Complaint, which speaks for itself, and thus no response is required. To the extent a response is required, Harvard denies the allegations in Paragraph 70.

ANSWER TO NO. 71: Paragraph 71 purports to quote from or characterize the document attached as Exhibit A to the Complaint, which speaks for itself, and thus no response is required. To the extent a response is required, Harvard denies the allegations in Paragraph 71.

ANSWER TO NO. 72: Paragraph 72 purports to quote from or characterize the document attached as Exhibit A to the Complaint, which speaks for itself, and thus no response is required. To the extent a response is required, Harvard denies the allegations in the first and second sentences of Paragraph 72. Harvard denies the allegations in the third sentence of Paragraph 72.

ANSWER TO NO. 73: Paragraph 73 purports to quote from or characterize the document attached as Exhibit A to the Complaint, which speaks for itself, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73.

ANSWER TO NO. 74: Denied.

ANSWER TO NO. 75: The allegations in Paragraph 75 purport to quote or characterize the contents of the document attached as Exhibit D to the Complaint, which speaks for itself, and thus no response is required. To the extent a response is required, Harvard admits the allegations in the first sentence of Paragraph 75 and denies the remaining allegations in Paragraph 75.

ANSWER TO NO. 76: The allegations in Paragraph 76 purport to quote or characterize the contents of the document attached as Exhibit D to the Complaint, which speaks for itself, and thus no response is required. To the extent a response is required, Harvard denies the allegations in Paragraph 76.

ANSWER TO NO. 77: The allegations in Paragraph 77 purport to quote or characterize the contents of the document attached as Exhibit E to the Complaint, which speaks for itself, and thus no response is required. To the extent a response is required, Harvard denies the allegations in Paragraph 77.

ANSWER TO NO. 78: Denied.

ANSWER TO NO. 79: The allegations in Paragraph 79 purport to quote or characterize the contents of the document attached as Exhibit F to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 80: Harvard denies the allegations in the first sentence of Paragraph 80. Harvard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 80, and on that basis denies them.

ANSWER TO NO. 81: Harvard acknowledges and condemns the antisemitism that has affected communities around the world, including Harvard, in the wake of the October 7, 2023, Hamas terrorist attack on Israel. Harvard denies the remaining allegations in Paragraph 81.

ANSWER TO NO. 82: Harvard admits that Hamas launched a terrorist attack on Israel on October 7, 2023, and condemns it unequivocally.

ANSWER TO NO. 83: The first sentence of Paragraph 83 contains non-factual characterizations to which no response is required. Harvard admits that President Biden condemned Hamas's October 7 terrorist attack on Israel. To the extent the allegations in Paragraph 83 purport to quote or characterize statements, those statements speak for themselves, and thus no response is required.

ANSWER TO NO. 84: Harvard admits that President Biden condemned Hamas's October 7 terrorist attack on Israel. To the extent the allegations in Paragraph 84 purport to quote or characterize statements, those statements speak for themselves, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 84, and on that basis denies them.

ANSWER TO NO. 85: Denied.

ANSWER TO NO. 86: To the extent the allegations in Paragraph 86 purport to quote or characterize statements, those statements speak for themselves, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 86, and on that basis denies them.

ANSWER TO NO. 87: Harvard admits that on October 9, 2023, Harvard issued a public statement that, among other things, condemned "the death and destruction unleashed by the attack by Hamas that targeted civilians in Israel." To the extent the allegations in Paragraph 87 purport to quote or characterize statements or documents, those statements and documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 87.

ANSWER TO NO. 88: To the extent the allegations in the first and second sentences of Paragraph 88 purport to quote or characterize statements, those statements speak for themselves, and thus no response is required. Harvard denies the allegations in the third sentence of Paragraph 88.

ANSWER TO NO. 89: Harvard admits that on October 10, 2023, the President of Harvard issued a public statement that condemned “the terrorist atrocities perpetrated by Hamas,” referred to the “inhumanity” of the attacks as “abhorrent,” and clarified that no student group (or group of student groups) “speaks for Harvard University or its leadership.” To the extent the allegations in Paragraph 89 purport to quote or characterize statements, those statements speak for themselves, and thus no response is required. Paragraph 89 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 89.

ANSWER TO NO. 90: Harvard denies the characterization of Harvard’s actions in Paragraph 90. Harvard admits that, in the week after October 7, 2023, a demonstration took place on or around Harvard’s campus. Harvard denies the allegations in the first and second sentences of Paragraph 90. Harvard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 90, and on that basis denies them.

ANSWER TO NO. 91: Paragraph 91 contains non-factual characterizations to which no response is required. To the extent the allegations in the second sentence of Paragraph 91 purport to quote or characterize a document, that document speaks for itself, and thus no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 91.

ANSWER TO NO. 92: Denied.

ANSWER TO NO. 93: Harvard acknowledges that, in response to concerns about antisemitic messages on Sidechat—a messaging platform that Harvard neither owns nor controls—Harvard met with Sidechat’s Chief Executive Officer and secured assurance from Sidechat that it would

take steps to address these concerns, including engaging in content moderation and limiting access to the Harvard community page of its application. Harvard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 93, and on that basis denies them.

ANSWER TO NO. 94: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94, and on that basis denies them.

ANSWER TO NO. 95: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95, and on that basis denies them.

ANSWER TO NO. 96: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96, and on that basis denies them.

ANSWER TO NO. 97: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97, and on that basis denies them.

ANSWER TO NO. 98: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 98, and on that basis denies them.

ANSWER TO NO. 99: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 99, and on that basis denies them.

ANSWER TO NO. 100: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 100, and on that basis denies them.

ANSWER TO NO. 101: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 101, and on that basis denies them.

ANSWER TO NO. 102: Harvard admits that a deeply offensive antisemitic cartoon was posted or shared on social media by groups whose membership includes Harvard affiliates, which Harvard immediately and strongly condemned. Harvard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 102, and on that basis denies them.

ANSWER TO NO. 103: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 103, and on that basis denies them.

ANSWER TO NO. 104: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 104, and on that basis denies them.

ANSWER TO NO. 105: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 105, and on that basis denies them.

ANSWER TO NO. 106: To the extent the allegations in Paragraph 106 purport to quote or characterize the contents of a document, the document speaks for itself, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 106, and on that basis denies them.

ANSWER TO NO. 107: Paragraph 107 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 107, and on that basis denies them.

ANSWER TO NO. 108: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 108, and on that basis denies them.

ANSWER TO NO. 109: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 109, and on that basis denies them.

ANSWER TO NO. 110: Denied.

ANSWER TO NO. 111: Harvard admits that on October 18, 2023, a demonstration took place at various locations on or around Harvard's campus, and that investigations relating to that event remain ongoing. Paragraph 111 contains legal conclusions and non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 111, and on that basis denies them.

ANSWER TO NO. 112: Harvard admits that on October 18, 2023, a demonstration took place at various locations on or around Harvard's campus, and that investigations relating to that event remain ongoing. Paragraph 112 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 112, and on that basis denies them.

ANSWER TO NO. 113: To the extent the allegations in Paragraph 113 purport to quote or characterize documents, the documents speak for themselves, and thus no response is required. Paragraph 113 contains non-factual characterizations to which no response is required. To the

extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 113, and on that basis denies them.

ANSWER TO NO. 114: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 114, and on that basis denies them.

ANSWER TO NO. 115: Paragraph 115 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 115, and on that basis denies them.

ANSWER TO NO. 116: Paragraph 116 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 116, and on that basis denies them.

ANSWER TO NO. 117: To the extent the allegations in Paragraph 117 purport to quote or characterize the video attached as Exhibit B to the Complaint, the video speaks for itself, and thus no response is required. Paragraph 117 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 117, and on that basis denies them.

ANSWER TO NO. 118: To the extent the allegations in Paragraph 118 purport to quote or characterize the video attached as Exhibit B to the Complaint, the video speaks for itself, and thus no response is required. Paragraph 118 contains non-factual characterizations to which no

response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 118, and on that basis denies them.

ANSWER TO NO. 119: To the extent the allegations in Paragraph 119 purport to quote or characterize the video attached as Exhibit B to the Complaint, the video speaks for itself, and thus no response is required. Paragraph 119 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 119, and on that basis denies them.

ANSWER TO NO. 120: To the extent the allegations in Paragraph 120 purport to quote or characterize the video attached as Exhibit B to the Complaint, the video speaks for itself, and thus no response is required. Paragraph 120 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 120, and on that basis denies them.

ANSWER TO NO. 121: To the extent the allegations in Paragraph 121 purport to quote or characterize the video attached as Exhibit B to the Complaint, the video speaks for itself, and thus no response is required. Paragraph 121 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 121, and on that basis denies them.

ANSWER TO NO. 122: To the extent the allegations in Paragraph 122 purport to quote or characterize the video attached as Exhibit B to the Complaint, the video speaks for itself, and thus no response is required. Paragraph 122 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 122, and on that basis denies them.

ANSWER TO NO. 123: To the extent the allegations in Paragraph 123 purport to quote or characterize the video attached as Exhibit B to the Complaint, the video speaks for itself, and thus no response is required. Paragraph 123 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 123, and on that basis denies them.

ANSWER TO NO. 124: To the extent the allegations in Paragraph 124 purport to quote or characterize the video attached as Exhibit B to the Complaint, the video speaks for itself, and thus no response is required. Paragraph 124 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 124, and on that basis denies them.

ANSWER TO NO. 125: To the extent the allegations in Paragraph 125 purport to quote or characterize the video attached as Exhibit B to the Complaint, the video speaks for itself, and thus no response is required. Paragraph 125 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or

information sufficient to form a belief as to the truth of the allegations in Paragraph 125, and on that basis denies them.

ANSWER TO NO. 126: To the extent the allegations in Paragraph 126 purport to quote or characterize statements or documents, those statements and documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 126, and on that basis denies them.

ANSWER TO NO. 127: To the extent the allegations in Paragraph 127 purport to quote or characterize statements or documents, those statements and documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 127, and on that basis denies them.

ANSWER TO NO. 128: To the extent the allegations in Paragraph 128 purport to quote or characterize statements or documents, those statements and documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 128, and on that basis denies them.

ANSWER TO NO. 129: To the extent the allegations in Paragraph 129 purport to quote or characterize statements or documents, those statements and documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 129, and on that basis denies them.

ANSWER TO NO. 130: To the extent the allegations in Paragraph 130 purport to quote or characterize statements or documents, those statements and documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 130, and on that basis denies them.

ANSWER TO NO. 131: To the extent the allegations in Paragraph 131 purport to quote or characterize statements or documents, those statements and documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 131, and on that basis denies them.

ANSWER TO NO. 132: To the extent the allegations in Paragraph 132 purport to quote or characterize the video attached as Exhibit B to the Complaint, the video speaks for itself, and thus no response is required. Paragraph 132 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 132, and on that basis denies them.

ANSWER TO NO. 133: Harvard denies the allegations in the first sentence of Paragraph 133. Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of Paragraph 133, and on that basis denies them.

ANSWER TO NO. 134: Paragraph 134 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or

information sufficient to form a belief as to the truth of the allegations in Paragraph 134, and on that basis denies them.

ANSWER TO NO. 135: Paragraph 135 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 135, and on that basis denies them.

ANSWER TO NO. 136: To the extent the allegations in Paragraph 136 purport to quote or characterize statements or documents, those statements and documents speak for themselves, and thus no response is required. Paragraph 136 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 136, and on that basis denies them.

ANSWER TO NO. 137: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 137, and on that basis denies them.

ANSWER TO NO. 138: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 138, and on that basis denies them.

ANSWER TO NO. 139: To the extent the allegations in Paragraph 139 purport to quote or characterize the document attached as Exhibit G to the Complaint, that document speaks for itself, and thus no response is required. To the extent a response is required, Harvard admits the allegations in the first sentence of Paragraph 139. Harvard denies the allegations in the second sentence of Paragraph 139.

ANSWER TO NO. 140: Paragraph 140 purports to quote or characterize the document attached as Exhibit G to the Complaint, which speaks for itself, and thus no response is required. To the extent a response is required, Harvard denies the allegations in Paragraph 140.

ANSWER TO NO. 141: To the extent the allegations in Paragraph 141 purport to quote or characterize the document attached as Exhibit H to the Complaint, that document speaks for itself, and thus no response is required. To the extent a response is required, Harvard admits the allegations in the first sentence of Paragraph 141. Harvard denies the allegations in the second sentence of Paragraph 141.

ANSWER TO NO. 142: Paragraph 142 purports to quote or characterize the document attached as Exhibit H to the Complaint, which speaks for itself, and thus no response is required. Paragraph 142 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 142.

ANSWER TO NO. 143: Denied.

ANSWER TO NO. 144: To the extent the allegations in Paragraph 144 purport to quote or characterize a document, that document speaks for itself, and thus no response is required. To the extent a response is required, Harvard admits that Member 4 filed a complaint with Harvard Law School on November 13, 2023, and denies the remaining allegations in Paragraph 144.

ANSWER TO NO. 145: To the extent the allegations in Paragraph 145 purport to quote or characterize a document, that document speaks for itself, and thus no response is required. To the extent a response is required, Harvard admits that Member 4 filed a complaint with Harvard Divinity School on November 15, 2023, and denies the remaining allegations in Paragraph 145.

ANSWER TO NO. 146: To the extent the allegations in Paragraph 146 purport to quote or characterize a document, that document speaks for itself, and thus no response is required. To the extent the allegations in Paragraph 146 purport to quote or characterize the video attached as Exhibit B to the Complaint, the video speaks for itself, and thus no response is required. To the extent a response is required, Harvard admits that Member 4 filed complaints with Harvard Law School and Harvard Divinity School. Harvard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 146, on that basis denies them.

ANSWER TO NO. 147: Denied.

ANSWER TO NO. 148: To the extent the allegations in Paragraph 148 purport to quote or characterize a statement, that statement speaks for itself, and thus no response is required. Paragraph 148 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 148.

ANSWER TO NO. 149: Paragraph 149 contains non-factual statements to which no response is required. To the extent the allegations in Paragraph 149 purport to quote or characterize statements or documents, those statements and documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 149.

ANSWER TO NO. 150: Denied.

ANSWER TO NO. 151: Harvard admits that its outside counsel contacted counsel representing Member #4 in relation to outside counsel's independent investigation into the events that took place at Harvard Business School on October 18. Paragraph 151 contains non-factual

characterizations to which no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 151.

ANSWER TO NO. 152: Harvard admits the allegations in the first sentence of Paragraph 152. Harvard further admits that Member 4's attorneys provided video footage to outside counsel. To the extent the allegations in Paragraph 152 purport to quote or characterize the video attached as Exhibit B to the Complaint, the video speaks for itself, and thus no response is required.

ANSWER TO NO. 153: Denied.

ANSWER TO NO. 154: Denied.

ANSWER TO NO. 155: Harvard admits that Member #4's attorneys sent a letter to Harvard's outside counsel on March 22, 2024. To the extent the allegations in Paragraph 155 purport to quote or characterize a document, that document speaks for itself, and thus no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 155.

ANSWER TO NO. 156: The allegations in Paragraph 156 relate to student information protected from disclosure by The Family Educational Rights and Privacy Act ("FERPA"). Harvard cannot admit or deny the allegations in Paragraph 156 pursuant to FERPA's confidentiality requirements, and on that basis denies them.

ANSWER TO NO. 157: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 157, and on that basis denies them.

ANSWER TO NO. 158: Denied.

ANSWER TO NO. 159: To the extent the allegations in Paragraph 159 purport to quote or characterize a document or court record, that document or court record speaks for itself, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 159, and on that basis denies them.

ANSWER TO NO. 160: Paragraph 160 contains non-factual characterizations and legal conclusions to which no response is required. To the extent a response is required, denied.

ANSWER TO NO. 161: Harvard admits that Member 4 made complaints alleging violations of Harvard's policies to Harvard Law School and Harvard Divinity School. Paragraph 161 contains non-factual characterizations and legal conclusions to which no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 161.

ANSWER TO NO. 162: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 162, and on that basis denies them.

ANSWER TO NO. 163: Denied.

ANSWER TO NO. 164: Harvard admits that it has taken disciplinary action against student groups and individual students at various times for violating Harvard policies but denies the existence of a double standard. To the extent the allegations in Paragraph 164 purport to quote or characterize the contents of documents, those documents speak for themselves, and thus no response is required. Paragraph 164 contains non-factual characterizations to which no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 164.

ANSWER TO NO. 165: To the extent the allegations in Paragraph 165 purport to quote or characterize the contents of documents or statements, those documents or statements speak for themselves, and thus no response is required. To the extent a response is required, denied.

ANSWER TO NO. 166: Denied.

ANSWER TO NO. 167: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 167, and on that basis denies them.

ANSWER TO NO. 168: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 168, and on that basis denies them.

ANSWER TO NO. 169: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 169, and on that basis denies them.

ANSWER TO NO. 170: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 170, and on that basis denies them.

ANSWER TO NO. 171: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 171, and on that basis denies them.

ANSWER TO NO. 172: Denied.

ANSWER TO NO. 173: Harvard admits that it and its constituent schools maintain policies that prohibit discrimination, harassment, and intimidation. To the extent the allegations in Paragraph 173 purport to quote or characterize documents attached as Exhibits I, J, K, L, M, N, and O to the Complaint, those documents speak for themselves, and thus no response is required. To the extent a response is required, Harvard denies the remaining allegations in Paragraph 173.

ANSWER TO NO. 174: Paragraph 174 purports to quote or characterize documents attached as Exhibits L, M, N, and O to the Complaint, which speak for themselves, and thus no response is required.

ANSWER TO NO. 175: Paragraph 175 purports to quote or characterize documents attached as Exhibits L, M, N, and O to the Complaint, which speak for themselves, and thus no response is required.

ANSWER TO NO. 176: Paragraph 176 purports to quote or characterize a document attached as Exhibit I to the Complaint, which speaks for itself, and thus no response is required. To the extent a response is required, denied.

ANSWER TO NO. 177: Denied.

ANSWER TO NO. 178: Paragraph 178 purports to quote or characterize a document attached as Exhibit I to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 179: Paragraph 179 purports to quote or characterize a document attached as Exhibit I to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 180: Paragraph 180 purports to quote or characterize a document attached as Exhibit I to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 181: Paragraph 181 purports to quote or characterize a document attached as Exhibit I to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 182: Paragraph 182 purports to quote or characterize a document attached as Exhibit I to the Complaint, which speaks for itself, and thus no response is required. To the extent a response is required, denied.

ANSWER TO NO. 183: Paragraph 183 purports to quote or characterize a document attached as Exhibit I to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 184: Paragraph 184 purports to quote or characterize a document attached as Exhibit I to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 185: Paragraph 185 purports to quote or characterize a document attached as Exhibit I to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 186: Paragraph 186 purports to quote or characterize a document attached as Exhibit I to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 187: Paragraph 187 purports to quote or characterize a document attached as Exhibit I to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 188: Paragraph 188 purports to quote or characterize a document attached as Exhibit I to the Complaint, which speaks for itself, and thus no response is required. To the extent a response is required, denied.

ANSWER TO NO. 189: Paragraph 189 purports to quote or characterize a document attached as Exhibit J to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 190: Paragraph 190 purports to quote or characterize a document attached as Exhibit J to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 191: Paragraph 191 purports to quote or characterize a document attached as Exhibit J to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 192: Paragraph 192 purports to quote or characterize a document attached as Exhibit K to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 193: Paragraph 193 purports to quote or characterize a document attached as Exhibit K to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 194: Paragraph 194 purports to quote or characterize a document attached as Exhibit N to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 195: Paragraph 195 purports to quote or characterize a document attached as Exhibit N to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 196: Paragraph 196 purports to quote or characterize a document attached as Exhibit N to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 197: Paragraph 197 purports to quote or characterize a document attached as Exhibit N to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 198: Paragraph 198 purports to quote or characterize a document attached as Exhibit N to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 199: Paragraph 199 purports to quote or characterize a document attached as Exhibit N to the Complaint, which speaks for itself, and thus no response is required.

ANSWER TO NO. 200: Paragraph 200 contains non-factual characterizations to which no response is required. To the extent Paragraph 200 purports to quote or characterize a document

attached as Exhibit O to the Complaint, that document speaks for itself, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 200, and on that basis denies them.

ANSWER TO NO. 201: Paragraph 201 contains non-factual characterizations to which no response is required. To the extent Paragraph 201 purports to quote or characterize a document attached as Exhibit M to the Complaint, that document speaks for itself, and thus no response is required. To the extent a response is required, Harvard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 201, and on that basis denies them.

ANSWER TO NO. 202: Paragraph 202 contains legal conclusions to which no response is required.

ANSWER TO NO. 203: Paragraph 203 contains legal conclusions to which no response is required. To the extent the allegations in Paragraph 203 purport to quote or characterize documents, those documents speak for themselves, and thus no response is required.

ANSWER TO NO. 204: Paragraph 204 contains legal conclusions to which no response is required.

ANSWER TO NO. 205: Paragraph 205 contains legal conclusions to which no response is required. To the extent a response is required, Harvard admits that it receives federal funding.

ANSWER TO NO. 206: The allegations in Paragraph 206 state legal conclusions to which no response is required. To the extent a response is required, Harvard denies the allegations in Paragraph 206.

ANSWER TO NO. 207: Admitted.

ANSWER TO NO. 208: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 208, and on that basis denies them.

ANSWER TO NO. 209: The allegations in Paragraph 209 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 210: The allegations in Paragraph 210 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 211: The allegations in Paragraph 211 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 212: The allegations in Paragraph 212 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 213: The allegations in Paragraph 213 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 214: The allegations in Paragraph 214 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 215: The allegations in Paragraph 215 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 216: The allegations in Paragraph 216 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 217: The allegations in Paragraph 217 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 218: The allegations in Paragraph 218 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 219: The allegations in Paragraph 219 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 220: The allegations in Paragraph 220 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 221: The allegations in Paragraph 221 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 222: The allegations in Paragraph 222 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 223: The allegations in Paragraph 223 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 224: Harvard realleges and incorporates by reference all prior paragraphs as if fully set forth herein.

ANSWER TO NO. 225: Paragraph 225 purports to quote or characterize a document that speaks for itself, and thus no response is required.

ANSWER TO NO. 226: Paragraph 226 purports to quote or characterize a document that speaks for itself, and thus no response is required.

ANSWER TO NO. 227: Paragraph 227 purports to quote or characterize a document that speaks for itself, and thus no response is required.

ANSWER TO NO. 228: Harvard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 228, and on that basis denies them.

ANSWER TO NO. 229: Denied.

ANSWER TO NO. 230: Denied.

ANSWER TO NO. 231: Denied.

ANSWER TO NO. 232: Denied.

ANSWER TO NO. 233: Denied.

ANSWER TO NO. 234: Denied.

ANSWER TO NO. 235: The allegations in Paragraph 235 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 236: The allegations in Paragraph 236 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 237: The allegations in Paragraph 237 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 238: The allegations in Paragraph 238 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 239: The allegations in Paragraph 239 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 240: The allegations in Paragraph 240 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

ANSWER TO NO. 241: The allegations in Paragraph 241 pertain to claims that were dismissed by this Court on November 5, 2024, meaning no response is required, and Harvard denies them on that basis.

PRAYER FOR RELIEF

ANSWER TO PRAYER FOR RELIEF: Harvard denies that Plaintiffs are entitled to any of the relief requested.

JURY TRIAL DEMAND

ANSWER TO JURY TRIAL DEMAND: Harvard denies that Plaintiffs are entitled to trial by jury.

AFFIRMATIVE DEFENSES

Harvard asserts the following affirmative defenses on the basis of its current knowledge and information, reserving the right to withdraw any of these defenses or to assert additional defenses as further information becomes available.

FIRST AFFIRMATIVE DEFENSE

Plaintiffs lack standing.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs fail to state a claim upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs' claims fail because they cannot demonstrate that Harvard acted with deliberate indifference to severe and pervasive harassment that denied Plaintiffs equal access to educational programs.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' claims fail because they cannot demonstrate that Harvard had actual knowledge of harassment and failed to take appropriate action.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims fail because Harvard took prompt and appropriate action in response to complaints of harassment and discrimination.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims fail because Harvard has proper policies and procedures in place to prevent and remedy claims of discrimination and harassment and actively and evenhandedly enforces such policies and procedures.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims fail because Harvard cannot be held responsible under any theory of vicarious liability.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' claims fail because Harvard acted at all relevant times consistent with federal policy and guidance related to Title VI.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs fail to allege irreparable harm or any other basis upon which injunctive relief would be available.

TENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because Harvard exercised reasonable care to prevent and correct promptly any discriminatory conduct.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred to the extent they seek to hold Harvard liable for alleged conduct that occurred off campus and under circumstances over which Harvard did not exercise control.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiffs seek remedies beyond the allowable scope of recovery under Title VI.

WHEREFORE, Harvard respectfully requests that the Court enter judgment in its favor and award it the costs of this action, together with attorneys' fees, expert fees, and such other relief as the Court may deem just and proper.

DATED: December 10, 2024

Mark A. Kirsch (*pro hac vice*)
KING & SPALDING LLP
1185 Avenue of the Americas
34th Floor
New York, NY 10036
mkirsch@kslaw.com
Tel: (212) 790-5329
Fax: (212) 556-2222

Respectfully Submitted,

/s/ Felicia H. Ellsworth

Felicia H. Ellsworth, BBO #665232
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
Tel: (617) 526-6000
Fax: (617) 526-5000
felicia.ellsworth@wilmerhale.com

Seth P. Waxman (*pro hac vice*)
Bruce M. Berman (*pro hac vice*)
Jeremy W. Brinster (*pro hac vice*)
WILMER CUTLER PICKERING
HALE AND DORR LLP
2100 Pennsylvania Avenue NW
Washington, DC 20037
Tel: (202) 663-6000
Fax: (202) 663-6363
seth.waxman@wilmerhale.com
bruce.berman@wilmerhale.com
jeremy.brinster@wilmerhale.com

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2024, I caused this document to be filed through the CM/ECF system, where it will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Felicia H. Ellsworth

Felicia H. Ellsworth